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325 N. St. Paul Street, Suite 4450  
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*Attorneys For Plaintiffs  
Nanya Technology Corp. and  
Nanya Technology Corp. U.S.A.*

**IN THE DISTRICT COURT OF GUAM**

NANYA TECHNOLOGY CORP. AND  
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED AND FUJITSU  
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**DECLARATION OF VANCE P.  
FREEMAN IN SUPPORT OF  
PLAINTIFFS' RESPONSE TO  
DEFENDANTS EX PARTE  
APPLICATION FOR A HEARING DATE  
FOR DEFENDANTS MOTION TO  
IMMEDIATELY TRANSFER VENUE**

I, Vance P. Freeman, declare under penalty of perjury that the following statements are true and correct.

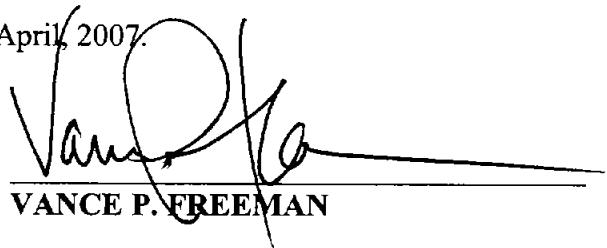
1. I am counsel for Plaintiffs Nanya Technology Corporation and Nanya Technology Corporation, U.S.A. As such, I have personal knowledge of the information in this declaration.

2. On March 27, 2007, FMA's New York counsel contacted Plaintiffs' counsel regarding the filing of their April 17, 2006 motion to transfer this case to the Northern District of California.

**ORIGINAL**

1 FMA requested that Plaintiffs agree to an expedited hearing. Plaintiffs' counsel refused unless the  
2 parties could engage in limited discovery regarding the convenience issues Defendants would raise in  
3 the motion or stipulate to certain facts. FMA's New York counsel agreed to stipulate, so I began  
4 working on an extensive stipulation. After drafting a 19 page stipulation, discussing the stipulation  
5 with opposing counsel, and exchanging edits and revisions over the course of a week, I sent the final  
6 versions of the stipulation to opposing counsel for final review and approval. The emails reflecting  
7 this exchange are attached as Exhibit "1." Defendants' counsel contacted me about setting the second  
8 motion to transfer for hearing on May 11, 2007. But I and the other lawyers on the team could not  
9 attend the hearing that day. In keeping with our agreement to have an expedited hearing, we informed  
10 Fujitsu's counsel that we could be available the following week. But instead of finalizing the  
11 stipulation and signing it or contacting me with further revisions, Defendants simply filed their motion  
12 to transfer contrary to their representations. Defendants requested an expedited hearing, and Plaintiffs  
13 will now be under time pressure to establish through formal discovery what Defendants had promised  
14 to stipulate to.  
15

17 DATED at Hagåtña, Guam, this 26<sup>th</sup> day of April, 2007.

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25  
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27  
28  
  
VANCE P. FREEMAN

# **EXHIBIT 1**

**Joseph Razzano**

---

**From:** Vance Freeman [Vfreeman@shorewestfreeman.com]  
**Sent:** Thursday, April 26, 2007 2:10 PM  
**To:** Joseph Razzano  
**Subject:** FW: stipulation and hearing date

Vance P. Freeman  
SHORE WEST FREEMAN PC  
2020 Bill Owens Parkway  
Suite 200  
Longview, Texas 75604  
(903) 295-7200  
(903) 399-3204 Mobile  
(903) 295-7201 Fax  
[www.shorewestfreeman.com](http://www.shorewestfreeman.com)

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**From:** Vance Freeman  
**Sent:** Friday, April 06, 2007 4:50 PM  
**To:** 'Murray, Michael'  
**Cc:** Chalsen, Christopher; Kass, Lawrence; 'Alfonso G Chan'; Michael Shore; Kenneth Shore; 'Martin Pascual'; Justin Kimble; Ruth Lee; 'Mary Henry'; Martin C. Fliesler; Jared Barrett; Matthew S. Wolcott; Carrie Dawudi; Joseph Razzano; junpingco@ualawguam.com  
**Subject:** RE: stipulation and hearing date

Mike:

Here are the revised stipulations. Please confirm that these reflect the parties' agreement. Regarding the hearing date, we can't do it on May 11, 2006; we are booked. Did you find out what other dates are available the following week or the week after?

Thanks

Vance P. Freeman  
SHORE WEST FREEMAN PC

4/26/2007

2020 Bill Owens Parkway  
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**From:** Murray, Michael [mailto:MMurray@milbank.com]  
**Sent:** Thursday, April 05, 2007 6:07 PM  
**To:** Vance Freeman  
**Cc:** Chalsen, Christopher; Kass, Lawrence  
**Subject:** stipulation and hearing date

Vance,

Can you let me know when we will get revised stip? Also, please let me know about May 11th as the hearing date.

Thanks

Mike

---

**From:** Vance Freeman [mailto:Vfreeman@shorewestfreeman.com]  
**Sent:** Wed 4/4/2007 4:10 PM  
**To:** Murray, Michael  
**Subject:** RE: short meet and confer today

What is the call in number?

-----Original Message-----

From: "Murray, Michael" <MMurray@milbank.com>  
To: "Justin Kimble" <jkimble@ShoreChan.com>; "Vance Freeman" <Vfreeman@shorewestfreeman.com>  
Cc: "Kass, Lawrence" <LKass@milbank.com>; "Chalsen, Christopher" <CChalsen@milbank.com>  
Sent: 4/4/2007 12:19 PM  
Subject: RE: short meet and confer today

sounds good.

4/26/2007

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From: Justin Kimble [mailto:[jkimble@ShoreChan.com](mailto:jkimble@ShoreChan.com)]  
Sent: Wednesday, April 04, 2007 12:36 PM  
To: Vance Freeman; Murray, Michael  
Cc: Kass, Lawrence; Chalsen, Christopher  
Subject: RE: short meet and confer today

fine

SHORE CHAN

BRAGALONE LLP

Attorneys & Counselors at Law

Justin B. Kimble

325 North Saint Paul St.

Suite 4450

Dallas, Texas 75201

214-593-9117 (Direct)

214-593-9110 (Firm)

214-593-9111 (Fax)

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From: Vance Freeman [mailto:[Vfreeman@shorewestfreeman.com](mailto:Vfreeman@shorewestfreeman.com)]  
Sent: Wednesday, April 04, 2007 11:07 AM  
To: Murray, Michael; Justin Kimble  
Cc: Kass, Lawrence; Chalsen, Christopher  
Subject: RE: short meet and confer today

4/26/2007

Can we make it 3pm, 4pm NYC time?

Vance P. Freeman

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From: Murray, Michael [<mailto:MMurray@milbank.com>]

4/26/2007

Sent: Wednesday, April 04, 2007 8:57 AM  
To: Vance Freeman; Justin Kimble  
Cc: Kass, Lawrence; Chalsen, Christopher  
Subject: RE: short meet and confer today

OK, how about 2:00 Texas time? Usual call in number: (888) 385-6846  
(code: 55-5424)

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From: Vance Freeman [mailto:[Vfreeman@shorewestfreeman.com](mailto:Vfreeman@shorewestfreeman.com)]  
Sent: Wednesday, April 04, 2007 9:48 AM  
To: Murray, Michael; Justin Kimble  
Cc: Kass, Lawrence; Chalsen, Christopher  
Subject: RE: short meet and confer today

Sounds good. I will be traveling, but I can call in on my cell phone.

Thanks

Vance P. Freeman

Shore West Freeman PC

2020 Bill Owens Parkway

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Longview, Texas 75604

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or otherwise.

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From: Murray, Michael [mailto:MMurray@milbank.com]  
Sent: Wednesday, April 04, 2007 8:47 AM  
To: Vance Freeman; Justin Kimble  
Cc: Kass, Lawrence; Chalsen, Christopher  
Subject: short meet and confer today

Vance, Justin

Can we talk today about: 1) proposed stipulation, 2) exchange of claim  
construction contentions?

Anytime after 2:00 p.m your time would work for us.

Mike

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